

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 785 of 2005

- Appellants
1. Keshram, S/o Lalji Sahu, aged about 40. years.
 2. Hemkumari, W/o keshram Sahu, aged about 37 years.
 3. Om Prakash, S/o Keshram Sahu, aged about 11 years.
 4. Jaiprakash, S/o Keshram Sahu, aged about 6 years.
 5. Rahul, S/o Keshram Sahu, aged about 5 months.

Appellants No. 3 to 5 are minors through Natural Guardian father Keshram.

All R/o village-Nagarda, P.S. and Tahsil Bilaigarh, District- Raipur (C.G.).

Versus

- Respondents
1. Bhagirathi, S/o Babulal Sahu, R/o Nagarda, P.S. & Tahsil Bilaigarh, District- Raipur (C.G.).
 2. New India Insurance Company Ltd. Branch Office- Raipur, R.D.A. Building, Bairan Bazar, Raipur (C.G.).
 3. Tejram, S/o Puranik Ram Sahu, R/o Sambalpur, P.S. Lalbag, District- Rajnandgaon (C.G.).
 4. Gupta Cement Agency, Ganj Chowk, Rajnandgaon, District- Rajnandgaon (C.G.).
 5. National Insurance Company Ltd. Branch Office, District- Rajnandgaon (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Gautam Khetrapal, Advocate for the appellants.

Mr. Prashant Jayaswal, Senior Advocate with Shri Ali Asgar, Advocate for Respondents No. 2 and 5.

ORAL ORDER

(7th December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

This is an appeal preferred by the dependents of the deceased, claiming more compensation.

Having heard learned counsel for the parties, we find an error apparent on the face of record in passing the impugned award. The M.A.C.T. for the purpose of assessing loss of dependency has taken the income of the deceased at a notional level as Rs. 15,000/- per annum. If $1/3^{\text{rd}}$ is deducted from that sum towards personal expenses of the deceased, the actual loss of dependency would come to Rs. 10,000/- per annum. The deceased on the date of accident and demise was aged 18 years and therefore, the appropriate multiplier to be applied is 16. Thus, total loss of dependency would come to Rs. 1,60,000/- ($10,000 \times 16$) whereas, the Tribunal has awarded only sum of Rs. 80,000/- towards loss of dependency. Therefore we award Rs. 1,60,000/- towards loss of dependency as against Rs. 80,000/- awarded by the M.A.C.T. The impugned award shall stand modified accordingly. In all other respects, the impugned award shall remain unaltered.

The appeal is allowed to the above extent. No costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge